DETAILED ACTION

1. Applicant's filing Remark after RCE dated Feb. 28, 2008, responds to the Office action mailed Nov. 28, 2007 provided in the rejection of claims 1-25.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James K. Okamoto (Reg. No. 40,110) on 6/3/2008 to place the claims in the condition for allowance.

3. The application has been amended as following:

In the Claim,

- Currently amend claim 1 as following:

  1. (Currently Amended) A method of compiling a program to be executed on a target microprocessor with multiple execution units of a same type, the method comprising:

  selecting, by a program compiler, one of the execution units for testing;

  scheduling, by the program compiler, execution of diagnostic code on the selected execution unit; and scheduling, by the program compiler, execution of program code on remaining execution units of the same type;

  setting a level of aggressiveness for scheduling the testing of the execution units; and

applying an aggressiveness-dependent algorithm to determine when to schedule all available units for execution of the program code and when to schedule parallel execution of the program code and the diagnostic code,

wherein said execution of diagnostic code on the selected execution unit and said execution of program code on the remaining execution units are scheduled to be performed in parallel.

- On line 1 of claim 6, change "the method of claim 5" to “the method of claim 1”.
- Currently amend claim 15 as following:

15. (Currently Amended) A computer-readable medium having a program product for execution on a target microprocessor having multiple execution units of a same type integrated thereon, the program product comprising:

microprocessor-executable diagnostic code stored on the computer-readable medium and configured by a program compiler to be executed on a selected execution unit of the multiple execution units;

microprocessor-executable program code stored on the computer-readable medium and configured by the program compiler to be executed on remaining execution units of the same type;

setting a level of aggressiveness for scheduling the testing of the execution units; and

applying an aggressiveness-dependent algorithm to determine when to schedule all available units for execution of the program code and when to schedule parallel execution of the program code and the diagnostic code,

wherein said diagnostic code and said program code are scheduled to be performed in parallel on the selected execution unit and the remaining execution units, respectively.

- Currently amend claim 25 as following:

  25. (Currently Amended) A computer-readable medium having a program product for execution on a target microprocessor having multiple execution units of a same type integrated thereon, the program product comprising:

  microprocessor-executable diagnostic code stored on the computer-readable medium and scheduled by a program compiler to be executed on a selected execution unit of the multiple execution units;

  microprocessor-executable program code stored on the computer-readable medium and scheduled by the program compiler to be executed on remaining execution units at a same time as the diagnostic code is to be executed on the selected execution unit;

  setting a level of aggressiveness for scheduling the testing of the execution units; and

  applying an aggressiveness-dependent algorithm to determine when to schedule all available units for execution of the program code and when to schedule parallel execution of the program code and the diagnostic code,

  wherein the selected execution unit rotates between the multiple execution units such that each execution unit is tested, and wherein said diagnostic code is further configured to be run in a background type process on a multi-threaded operating system.

- Cancel claim 4 and claim 5.

Allowable Subject Matter

4. Claims 1-25 are allowed.

5. The following is an examiner's statement of reasons for allowance:

As pointed out by applicant, the prior art of record fails to teach and/or suggest

A method of compiling a program to be executed on a target microprocessor with multiple execution units of a same type, the method comprising: selecting, by a program compiler, one of the execution units for testing; scheduling, by the program compiler, execution of diagnostic code on the selected execution unit; and scheduling, by the program compiler, execution of program code on remaining execution units of the same type, wherein said execution of diagnostic code on the selected execution unit and said execution of program code on the remaining execution units are scheduled to be performed in parallel; setting a level of aggressiveness for scheduling the testing of the execution units and applying an aggressiveness-dependent algorithm to determine when to schedule all available units for execution of the program code and when to schedule parallel execution of the program code and the diagnostic code.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNCHUN WU whose telephone number is (571)270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW
/Wei Zhen/
Supervisory Patent Examiner, Art Unit 2191